



Office for
Nuclear Regulation

ONR Policy: Dealing with vexatious Freedom of Information (FOI) requests

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Dealing with vexatious Freedom of Information (FOI) requests

Contents

1.	Defining vexatious requests	4
2.	Identifying vexatious requests	5
3.	Dealing with vexatious requests	6
4.	Further information	6

1. Defining vexatious requests

The criteria we follow to help determine whether a Freedom of Information (FOI) request should be handled as vexatious is detailed below. It is taken from three sources:

- [The Information Commissioner's Office \(ICO\) guide to dealing with vexatious requests](#);
- [Section 14 of FOI Act](#); and
- [Section 45 of the FOI Act Code of practice](#).

It is very rare for us to refuse requests for information under section 14. A request is considered vexatious, if it is likely to cause a disproportionate or unjustifiable level of distress, disruption or irritation. It is not a finding that a particular individual is vexatious and that any other request from them can automatically be refused - it is about the particular request.

However, history and context will often be highly relevant. A single request can also be refused where it is fundamentally objectionable, for example, if it contains threats against employees, or is racist.

Under the [Freedom of Information Act 2000](#), an individual who submits a vexatious request is abusing their rights, which can threaten to undermine the credibility of the freedom of information system, and divert resources from more deserving requests and other public business.

[Section 14](#) of the FOI Act states that public authorities do not have to comply with vexatious requests. There is no requirement to carry out a public interest test or to confirm or deny whether the requested information is held.

To determine if a request is vexatious, we consider the following factors, in line with the ICO section 14 guidance on [Dealing with vexatious requests](#):

<ul style="list-style-type: none"> • Serious purpose • Requester's aims and legitimate motivation • Wider public interest and objective value 	V	<ul style="list-style-type: none"> • Detrimental impact on the public authority • Evidence that the requester is abusing the right of access to information
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Before enacting section 14, we would notify the ICO.

2. Identifying Vexatious Requests

We follow the Information Commissioners Office (ICO) guide to dealing with vexatious requests. This sets out the 'typical indicators' of vexatious requests to use when judging whether a request falls into this category or not. The judgement will also take into account the wider public interest.

Typical indicators include (not exhaustive):

- **Abusive or aggressive language** - The tone or language of the requester's correspondence goes beyond the level of criticism that a public authority or its employees should reasonably expect to receive.
- **Burden on the authority** - The effort required to meet the request will be so grossly oppressive in terms of the strain on time and resources, that the authority cannot reasonably be expected to comply, no matter how legitimate the subject matter or valid the intentions of the requester.
- **Personal grudges** - For whatever reason, the requester is targeting their correspondence towards a particular employee or office holder against whom they have some personal enmity.
- **Unreasonable persistence** - The requester is attempting to reopen an issue which has already been comprehensively addressed by the public authority, or otherwise subjected to some form of independent scrutiny.
- **Unfounded accusations** - The requester makes completely unsubstantiated accusations against the public authority or specific employees.
- **Intransigence** - The requester takes an unreasonably entrenched position, rejecting attempts to assist and advise out of hand and shows no willingness to engage with the authority.
- **Frequent or overlapping requests** - The requester submits frequent correspondence about the same issue, or sends in new requests before the public authority has had an opportunity to address their earlier enquiries.
- **Deliberate intention to cause annoyance** - The requester has explicitly stated that it is their intention to cause disruption to the public authority, or is a member of a campaign group whose stated aim is to disrupt the authority.
- **Scattergun approach** - The request appears to be part of a completely random approach, lacks any clear focus, or seems to have been solely designed for the purpose of 'fishing' for information without any idea of what might be revealed.
- **Disproportionate effort** - The matter being pursued by the requester is relatively trivial and the authority would have to expend a disproportionate amount of resources to meet their request.

- **No obvious intent to obtain information** - The requester is abusing their rights of access to information by using the legislation as a means to vent their anger at a particular decision, or to harass and annoy the authority, for example, by requesting information which the authority knows them to **possess already**.
- **Futile requests** - The issue at hand individually affects the requester and has already been conclusively resolved by the authority, or subjected to some form of independent investigation.
- **Frivolous requests** - The subject matter is inane or extremely trivial and the request appears to lack any serious purpose. The request is made for the sole purpose of amusement.

3. Dealing with vexatious requests

We will keep an evidence log of correspondence, behaviour and the procedures followed to determine whether a request is vexatious. Our Head of Policy will decide whether or not to comply with the request, and will make a recommendation to the Director of Policy and Communications (or delegated authority), who will make the decision.

If the request is considered vexatious and a decision is made not to comply with it, we will issue a refusal notice within 20 working days. This will state that we are relying on section 14(1) of the FOI Act, and it will include details of our internal review procedures and the right to appeal to the ICO.

We will aim to be helpful and, where possible, include the reasoning for the decision in our refusal notice. However, it may not be appropriate to provide a full explanation in every case and the level of detail will depend on the specific circumstances surrounding the request.

Under section 17(6) of the FOI Act, we will not issue a refusal notice if:

- We have already given the same person a refusal notice for a previous vexatious or repeated request; and/or
- It would be unreasonable to issue another one.

4. Further information

If you require further information on the handling of vexatious requests, please refer to the [ICO website](#) or email: contact@onr.gov.uk

